

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

FILED
STATESVILLE, N.C.

DEC 13 2016

U.S. District Court
Western District of N.C.

Michael J. Garvey, }
Consumer [*Plaintiffs*], }
vs. } Civil Action No.: 5:16-CV-00209-RLV
} }
SETERUS, INC., et. al. }
Debt Collectors [*Defendants*] }
} }
}

CONSUMER'S COMMUNICATION IN OPPOSITION OF SETERUS, INC.'S MOTION
FOR EXTENSION OF TIME TO RESPOND TO THE CONSUMER'S FDCPA CLAIM

This is the Consumer's, Michael J. Garvey, communication in response to SETERUS, INC.'S Motion for Extension of Time. The Consumer states his objection for the following reasons:

1. The Debt Collector SETERUS, INC. timely received the Consumer's Verified Claim for Violations of the FDCPA on December 2, 2016 (Doc. 5, pg. 1, No. 2).
2. In the Consumer's Verified Claim for Violations of the FDCPA, the Consumer gave the debt collector, SETERUS, INC. 10 days from receipt of the Claim to comply with the Consumer's directive and provide the verification and validation that they were required to provide according to the law of the FDCPA, 15 USC § 1692g(b), and any and all rules and regulations by the Consumer Financial Protection Bureau (CFPB) and the Federal Trade Commission (FTC) (Verified Claim, ¶69). The response from the debt collector

CONSUMER'S COMMUNICATION IN OPPOSITION -- SETERUS INC.

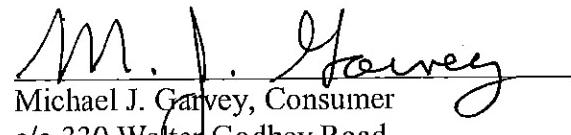
SETERUS, INC. should had been received no later than Monday, December 12, 2016. No other response is necessary from SETERUS, INC. other than their compliance to the Consumer's directive.

3. The Consumer's Verified Claim for Violations of the FDCPA is also an Enforcement Action for the Debt Collector SETERUS, INC'S liability for their willful violations of the FDCPA. As stated in the Verified Claim, "Congress also intended the Act to be "primarily self-enforcing," in that consumers who have been subjected to collection abuses will be enforcing compliance," S. Rep. No. 95-382, at 5 (1977)" (Verified Claim, pg. 3). The Consumer completed his private right of action, the debt collector SETERUS, INC. refused to comply with the Consumer's demand for verification and validation of the alleged debt. Therefore, the federal judicial court is only a witness to the debt collector SETERUS, INC'S violations of federal law, and to assist in the enforcement, and to ratify the Consumer's private right of action.
4. The Consumer is not completely sure for what reason the debt collector SETERUS, INC. is filing this motion other than for an unnecessary delay because the Consumer has given SETERUS, INC. every opportunity to verify and validate the unverified alleged debt which they have failed or refused to do. Further, SETERUS, INC. has caused the Consumer considerable harm financially, emotionally, physically and pursuant to the Act the Consumer has Article III standing to self-enforce.
5. The Consumer feels the debt collector SETERUS, INC'S Motion for Extension of Time is disingenuous, another willful noncompliance of the FDCPA and an additional ploy for delay.

CONSUMER'S COMMUNICATION IN OPPOSITION – SETERUS INC.

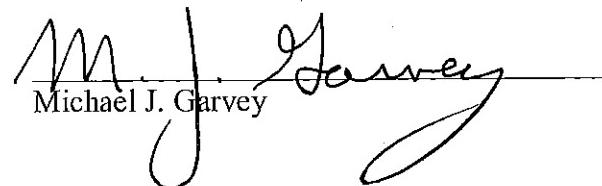
WHEREFORE, the Consumer is demanding this Honorable Court to deny the debt collector SETERUS, INC'S Motion for Extension of Time and to enforce and ratify the Consumer's private right of action for actual damages caused by the debt collector SETERUS, INC.'S willful violations of the FDCPA.

All Rights Reserved Without Prejudice,


Michael J. Garvey, Consumer
c/o 330 Walter Godbey Road
West Jefferson, NC 28694

AFFIDAVIT

I, Michael J. Garvey, Consumer, hereby certify under the penalties of perjury that the facts set forth in this Communication are true and correct to the best of my information, knowledge and belief.


Michael J. Garvey

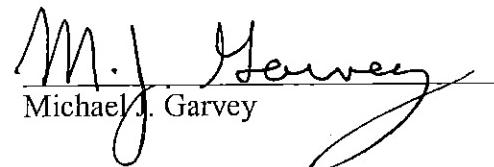
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Consumer's Communication in Opposition to SETERUS, INC. Motion for Extension of Time has been sent to the following listed below by USPS Certified Mail on December 12, 2016.

David R. DiMatteo
MC GUIREWOODS, LLP
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201 North Tryon Street, Suite 3000
Charlotte, NC 28202
CERTIFIED MAIL #: 7015 1520 0000 1351 2382


Michael J. Garvey